

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD W. CUPIT,

CASE NO. 06-10548

Plaintiff,

JUDGE JOHN CORBETT O'MEARA

V

CHARTER TOWNSHIP
OF MUNDY
and RICHARD FROST, individually,

Defendant.

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ORDER DENYING DEFENDANTS' MOTION TO DISMISS

This matter having coming before the Court on Defendant's Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) and the parties having briefed the issues and conducted oral argument:

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is DENIED.

IT IS FURTHER ORDERED that Count III of Plaintiff's complaint, Plaintiff's Michigan's Elliott-Larsen Civil Rights Act, MCLA §37.2202, age discrimination claim, is dismissed without prejudice as the Court has declined to accept supplemental jurisdiction of same.

s/John Corbett O'Meara
JOHN CORBETT O'MEARA

Date: 06/07/2006

Approved as to form:

Robert Kent-Bryant (P40806)
Attorney for Plaintiff
Date:_____

Thomas J. McGraw (P48817)
Attorney for Defendant
Date:_____